

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MONADNOCK CONSTRUCTION, INC.,

Plaintiff,

-against-

WESTCHESTER FIRE INSURANCE
COMPANY,

Defendant.

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WESTCHESTER FIRE INSURANCE
COMPANY,

Third-Party Plaintiff,

-against-

GLASSWALL, LLC, UGO COLOMBO, and
SARA JAYNE KENNEDY COLOMBO

Third-Party Defendants.

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Case No.: 16 CIV. 00420 (JBW)
ECF Case

**NOTICE OF MOTION FOR
PARTIAL SUMMARY
JUDGMENT FOR SPECIFIC
PERFORMANCE OF THIRD
PARTY DEFENDANTS'
COLLATERAL SECURITY
OBLIGATIONS OR, IN THE
ALTERNATIVE, FOR A
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that upon the accompanying Declarations of Robert McL Boote and Douglas J. Wills, sworn to on October 16, 2017, together with the exhibits annexed thereto, the accompanying Memorandum of Law, and the accompanying Statement of Facts pursuant to Local Rule 56.1, and all of the prior pleadings and proceedings in this action, Defendant/Third-Party Plaintiff, Westchester Fire Insurance Company, through its undersigned counsel, will move this Court, before the Honorable Jack B. Weinstein, United States District Court Judge, at the United States Courthouse, United States District Court, Eastern District of New York, 225 Cadman Plaza, East, Brooklyn, New York, on a date and time to be designated by the Court, for an Order pursuant to Federal Rule of Civil Procedure 56 granting partial

summary judgment for specific performance of Third Party Defendants' collateral security obligations, or, in the alternative, for a preliminary injunction.

Dated: New York, New York
October 16, 2017

COZEN O'CONNOR

By: /s/ John J. Sullivan
John J. Sullivan
45 Broadway Atrium, Suite 1600
New York, NY 10006
P: 212-453-3729
F: 646-461-2073
JSullivan@cozen.com

Robert McL. Boote*
**Admitted Pro Hac Vice*
Suite 400, 200 Four Falls Corporate Center
P.O. Box 800
West Conshohocken, PA 19428
P: 215-665-4630
F: 215-701-2424
RBoote@cozen.com

*Attorneys for Defendant
Westchester Fire Insurance Company*

TO:

Ugo Colombo
5020 North Bay Road
Miami, Florida 33140

Sara Jayne Kennedy Colombo
5020 North Bay Road
Miami, Florida 33140

James P. Cinque
CINQUE & CINQUE, P.C.
845 Third Avenue, Suite 1400
New York, NY 10022
P: 212-759-5515
F: 212-759-7737
Cinque845@aol.com
Attorneys for Third-Party

Defendant Glasswall LLC

Howard Kleinhendler
Jocelyn Weinstein
WACHTEL MISSRY LLP
885 Second Avenue
New York, NY 10017
P: 212-909-9500
F: 212-909-9430
kleinhendler@wmlp.com
jweinstein@wmlp.com
Attorneys for Plaintiff
Monadnock Construction, Inc.